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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 2335.0060001/SRL/KPQ
<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP03/09437	<b>INTERNATIONAL FILING DATE</b> 26 August 2003	<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> 10/525,726 U.S. Nat'l Phase of PCT/EP03/09437
<b>TITLE OF INVENTION</b> Diagnostic and Therapeutic Use of FOAP-13 Polynucleotides and Polypeptides for Neurodegenerative Diseases		<b>PRIORITY DATE CLAIMED</b> 28 August 2002
<b>APPLICANT(S) FOR DO/EO/US</b> Heinz VON DER KAMMER and Johannes POHLNER		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

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<b>U.S. APPLICATION NO. (if known, see 37 CFR 1.5)</b> 10/525,726 U.S. Nat'l Phase of PCT/EP03/09437	<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP03/09437	<b>ATTORNEY'S DOCKET NUMBER</b> 2335.0060001/SRL/KPQ
20. Other items or information:		
The following fees have been submitted		<b>CALCULATIONS</b> <b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> All other situations..... <b>\$200</b>		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b> All other situations..... <b>\$500</b>		\$
<b>TOTAL OF 21, 22 and 23 =</b>		<b>0.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	/50 =	x <b>\$250</b>
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x <b>\$ 50</b>
Independent claims	- 3 =	x <b>\$200</b>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ <b>\$360</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 0.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL =</b>		\$
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 0.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 0.00</b>
		Amount to be refunded: \$
		Amount to be charged \$

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111  
Sterne Kessler Goldstein & Fox, PLLC

  
SIGNATURE

Katrina Y. Pei Quach

NAME

51,063

REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Von Der Kammer *et al.*

Appl. No.: 10/525,726 (U.S. National  
Phase of PCT/EP03/09437)

I.A. Filing Date: August 26, 2003

For: **Diagnostic and Therapeutic Use  
of FOAP-13 Polynucleotides and  
Polypeptides for  
Neurodegenerative Diseases**

Confirmation No.: 3700

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2335.0060001/SRL/KPQ

**Information Disclosure Statement Under 37 C.F.R. § 1.97(b)**

*Mail Stop PCT*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents FP1 to FP6 and NPL1 to NPL21 are submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Katrina Y. Pei Quach  
Agent for Applicants  
Registration No. 51,063

Date: September 30, 2005

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/525,726 (U.S. National Phase of PCT/EP03/09437)
				I.A. Filing Date	August 26, 2003
				First Named Inventor	Heinz VON DER KAMMER
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	1	of	3	Attorney Docket Number	2335.0060001/SRL/KPQ

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Bertram, L., <i>et al.</i> , "Evidence for genetic linkage of Alzheimer's disease to chromosome 10q," <i>Science</i> 290:2302-2303, American Association for the Advancement of Science (2000)	
	NPL2	Cole, K.A., <i>et al.</i> , "cDNA Sequencing and Analysis of POV1 (PB39): A Novel Gene Up-regulated in Prostate Cancer," <i>Genomics</i> 51:282-287, Academic Press (1998)	
	NPL3	Li, M.-S., <i>et al.</i> , "Human eosinophil major basic protein, a mediator of allergic inflammation, is expressed by alternative splicing from two promoters," <i>Biochem. J.</i> 305:921-927, Portland Press (1995)	
	NPL4	Loring, J.F., <i>et al.</i> , "A Gene Expression Profile of Alzheimer's Disease," <i>DNA &amp; Cell Biol.</i> 20:683-695, Mary Ann Liebert, Inc. (November 2001)	
	NPL5	Myers, A., <i>et al.</i> , "Susceptibility Locus for Alzheimer's Disease on Chromosome 10," <i>Science</i> 290:2304-2305, American Association for the Advancement of Science (2000)	
	NPL6	The Ronald and Nancy Reagan Research Institute of the Alzheimer's Association and the National Institute on Aging Working Group, "Consensus Report of the Working Group on: Molecular and Biochemical Markers of Alzheimer's Disease," <i>Neurobiol. Of Aging</i> 9:109-116, Elsevier Science Inc. (1998)	
	NPL7	Roses, A.D., "Apolipoprotein E and Alzheimer's Disease," <i>Ann. N.Y. Acad. Sci.</i> 855:738-743, New York Academy of Sciences (1998)	
	NPL8	Scott, W.K., <i>et al.</i> , "Fine Mapping of the Chromosome 12 Late-Onset Alzheimer Disease Locus: Potential Genetic and Phenotypic Heterogeneity," <i>Am. J. Hum. Genet.</i> 66:922-932, University of Chicago Press (2000)	
	NPL9	Strittmatter, W.J., "Apolipoprotein E: High-avidity binding to $\beta$ -amyloid and increased frequency of type 4 allele in late-onset familial Alzheimer disease," <i>Proc. Natl. Acad. Sci. USA</i> 90:1977-1981, National Academy of Sciences (1993)	
	NPL10	Stuart, R.O., <i>et al.</i> , "EEG1, a putative transporter expressed during epithelial organogenesis: comparison with embryonic transporter expression during nephrogenesis," <i>Am. J. Physiol. Renal Physiol.</i> 281:F1148-F1156, American Physiological Society (December 2001)	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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				I.A. Filing Date	August 26, 2003
				First Named Inventor	Heinz VON DER KAMMER
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	2	of	3	Attorney Docket Number	2335.0060001/SRL/KPQ

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T <sup>2</sup>
	NPL11	Unger, J.W., "Glial Reaction in Aging and Alzheimer's Disease," <i>Mircosc. Res. Tech.</i> 43:24-28, Wiley-Liss, Inc. (1998)	
	NPL12	Database Geneseq, Accession No. AAB74706, Lal, P. <i>et al.</i> , (first available and last modified June 2001)	
	NPL13	Database Geneseq, Accession No. AAM38716, Tang, Y.T. <i>et al.</i> , (first available and last modified October 2001)	
	NPL14	NCBI Entrez, GenBank Report, Accession No. AF045584, Cole, K.A. <i>et al.</i> , (first available and last modified 1998)	
	NPL15	NCBI Entrez, GenBank Report, Accession No. AB028927, Fujii, Y. <i>et al.</i> , (first available January 2002 and last modified July 2002)	
	NPL16	NCBI Entrez, GenBank Report, Accession No. BAB82466, Fujii, Y. <i>et al.</i> , (first available January 2002 and last modified July 2002)	
	NPL17	NCBI Entrez, GenBank Report, Accession No. XM_165608, NCBI Annotation Project, (first available and last modified May 2002)	
	NPL18	NCBI Entrez, GenBank Report, Accession No. BC003163, Strausberg, R.L. <i>et al.</i> , (first available February 2001 and last modified February 2004)	
	NPL19	NCBI Entrez, GenBank Report, Accession No. AL157431, Ottenwaelder, B. <i>et al.</i> , (first available 2000 and last modified February 2005)	
	NPL20	Database EMBL, Accession No. Q9NSS4 (first available October 2000 and last modified May 2005)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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				I.A. Filing Date	August 26, 2003
				First Named Inventor	Heinz VON DER KAMMER
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Sheet	3

[illegible]

Examiner Signature		Date Considered	
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